

## FAMILY CODE—TITLE 2

## CHAPTER 543

## S. B. No. 168

An Act adopting Title 2 of the Family Code, relating to parents and children; amending Section 3.55, Family Code; repealing laws replaced by Title 2; providing an effective date; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Title 2 of the Family Code is adopted <sup>79</sup> to read as follows:

**“TITLE 2. PARENT AND CHILD****“SUBTITLE A. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP****“Chapter**

11. General Provisions.
12. The Parent-Child Relationship.
13. Voluntary Legitimation.
14. Conservatorship, Possession, and Support of Children.
15. Termination of the Parent-Child Relationship.
16. Adoption.
17. Suit for Protection of Child in Emergency.

**“SUBTITLE B. UNIFORM ACTS AND INTERSTATE COMPACTS**

21. Uniform Reciprocal Enforcement of Support Act.
25. Uniform Interstate Compact on Juveniles.

**“SUBTITLE C. MISCELLANEOUS PROVISIONS**

31. Removal of Disabilities of Minority.
32. Change of Name.
33. Liability of Parents for Conduct of Child.
34. Report of Child Abuse.
35. Consent to Medical Treatment.

- <sup>79</sup>. V.T.C.A., Family Code, §§ 11.01 to 11.19, 21.21 to 21.22, 21.23 to 21.45, 21.61 to 21.66,  
12.01 to 12.04, 13.01 to 13.06, 14.01 to 14.10, 25.01 to 25.09, 31.01 to 31.08, 32.01 to 32.05,  
15.01 to 15.07, 16.01 to 16.12, 16.51 to 16.55, 32.21 to 32.24, 33.01 to 33.03, 34.01 to 34.06,  
17.01 to 17.09, 21.01 to 21.06, 21.11 to 21.12, 35.01 to 35.03.

**“TITLE 2. PARENT AND CHILD****“SUBTITLE A. THE PARENT-CHILD RELATIONSHIP AND THE SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP****“CHAPTER 11. GENERAL PROVISIONS****“Section**

- 11.01. Definitions.
- 11.02. Suit Authorized; Scope of Suit.
- 11.03. Who May Bring Suit.
- 11.04. Venue.
- 11.05. Continuing Jurisdiction.
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- 11.08. Contents of Petition.
- 11.09. Citation.
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- 11.13. Jury.
- 11.14. Hearing.
- 11.15. Findings.
- 11.16. Decree.
- 11.17. Central Record File.
- 11.18. Costs.
- 11.19. Appeal.

**“Sec. 11.01. Definitions**

“As used in this subtitle and Subtitle C of this title, unless the context requires a different definition:

- “(1) ‘Child’ or ‘minor’ means a person under 18 years of age who is not and has not been married or who has not had his disabilities of minority removed for general purposes. ‘Adult’ means any other person.
- “(2) ‘Court’ means the district court, court of domestic relations, juvenile court, or other court having jurisdiction of a suit under this subtitle.
- “(3) ‘Parent’ means the mother, a man as to whom the child is legitimate, or an adoptive mother or father, but does not include a parent as to whom the parent-child relationship has been terminated.
- “(4) ‘Parent-child relationship’ means the rights, privileges, duties, and powers existing between a parent and child as provided by Section 12.04 of this code.
- “(5) ‘Suit affecting the parent-child relationship’ means a suit brought under this subtitle in which the appointment of a managing conservator or a possessory conservator, access to or support of a child, or establishment or termination of the parent-child relationship is sought.
- “(6) ‘Managing conservatorship’ means the relationship between a child and a managing conservator appointed by court order

or designated in an affidavit of relinquishment under this subtitle.

“(7) ‘Authorized agency’ means a public social agency authorized to care for children or to place children for adoption, or a private association, corporation, or person approved for that purpose by the State Department of Public Welfare through a license, certification, or other means.

**“Sec. 11.02. Suit Authorized; Scope of Suit**

“(a) A suit affecting the parent-child relationship may be brought as provided in this subtitle.

“(b) One or more matters covered by this subtitle may be determined in the suit. The court, on its own motion, may require the parties to replead in order that any issue affecting the parent-child relationship may be determined in the suit.

**“Sec. 11.03. Who May Bring Suit**

“A suit affecting the parent-child relationship may be brought by any person with an interest in the child, including the child (through a representative authorized by the court), any agency of the state or of a political subdivision of the state, and any authorized agency.

**“Sec. 11.04. Venue**

“(a) Except as otherwise provided in this subtitle, a suit affecting the parent-child relationship shall be brought in the county where the child resides.

“(b) A suit in which adoption is sought may be brought in the county where the child resides, the petitioners reside, or if the child is placed for adoption by an authorized agency, in the county where the authorized agency is located.

“(c) A child resides in the county where his parents (or parent if only one parent is living) reside, except that:

“(1) if a managing conservator has been appointed by court order or designated in an affidavit of relinquishment, the child resides in the county where the managing conservator resides;

“(2) if a guardian of the person has been appointed by order of a county or probate court and a managing conservator has not been appointed, the child resides in the county where the guardian of the person resides;

“(3) if the parents of the child do not reside in the same county and neither a managing conservator nor a guardian of the person has been appointed, the child resides in the county where the parent having care and control of the child resides;

“(4) if the child is under the care and control of an adult other than a parent and (A) neither a managing conservator nor a guardian of the person has been appointed or (B) the whereabouts of the managing conservator or the guardian of the person is unknown or (C) the person whose residence determines the residence of the child under this section has left the child under the care and control of the adult, the child resides where the adult having care and control of the child resides;

“(5) if a guardian or custodian of the child has been appointed by order of a court of another state or nation, the child resides in the county where the guardian or custodian resides; or

“(6) if it appears that the child is not under the care and control of an adult, the child resides where he is found.

**“Sec. 11.05. Continuing Jurisdiction**

“(a) Except as provided in Subsections (b) and (c) of this section, when a court acquires jurisdiction of a suit affecting the parent-child relationship, that court retains continuing jurisdiction of all matters provided for under this subtitle in connection with the child, and no other court has jurisdiction of a suit affecting the parent-child relationship with regard to that child except on transfer as provided in Section 11.06 of this code.

“(b) A final decree of adoption ends a court’s continuing jurisdiction over the child, and any subsequent suit affecting the child shall be commenced as though the child had not been the subject of a suit for adoption or any other suit affecting the parent-child relationship prior to the adoption.

“(c) A court shall have jurisdiction over a suit affecting the parent-child relationship if it has been informed by the State Department of Public Welfare that the child has not been the subject of a suit affecting the parent-child relationship and the petition states that no other court has continuing jurisdiction over the child.

**“Sec. 11.06. Transfer of Proceedings**

“(a) If venue is improperly laid in the court in which a suit affecting the parent-child relationship is filed, and no other court has continuing jurisdiction of the suit, the court, on the timely motion of any party other than the petitioner, and on a showing that venue is proper in another county, shall transfer the proceeding to the county where venue is proper.

“(b) If a petition or a motion to modify a decree is filed in a court having continuing jurisdiction of the suit, the court, on the timely motion of any party, and on a showing that venue is proper in another county or that a suit for dissolution of marriage has been filed in another court, shall transfer the proceeding to the county where venue is proper or to the court where the suit for dissolution of the marriage is pending. However, if the basis of the motion is that the child resides in another county, the court may deny the motion if it is shown that the child has not resided in that county for at least six months. In computing the period of time during which the child has resided in that county, the court shall not require that the period of residence be continuous and uninterrupted but shall look to the child’s principal residence during the said six-months period.

“(c) For the convenience of the parties and witnesses and in the interest of justice, the court, on the timely motion of any party, may transfer the proceeding to a proper court in any other county in the state.

“(d) If a court has continuing jurisdiction over a child but another court has acquired jurisdiction over the child in a suit affecting the parent-child relationship under Section 11.05(c) of this code, the court previously having jurisdiction over the child, on a motion of any party or on the court’s motion, shall transfer the proceeding to the court which has acquired jurisdiction under Section 11.05(c) of this code.

“(e) A motion under Subsection (a), (b), or (c) of this section must be made on or before the day on which answer is required.

“(f) Each party to the suit is entitled to 10 days’ notice and a hearing on the transfer which shall be held within 30 days after the day of filing the motion to transfer. Only evidence pertaining to venue shall be taken

at the hearing. An order transferring or refusing to transfer the proceeding is not appealable.

"(g) The court transferring a proceeding shall send to the proper court in the county to which transfer is made the complete file in the suit affecting the child, certified copies of all entries in the minutes, and a certified copy of any decree of dissolution of marriage issued in a suit joined with the suit affecting the parent-child relationship.

"(h) A court to which a transfer is made becomes the court of continuing jurisdiction, and all proceedings in the suit are continued as if it were brought there originally.

**"Sec. 11.07. Commencement of Suit**

"(a) A suit affecting the parent-child relationship shall be commenced by the filing of a petition as provided in this chapter.

"(b) On the commencement of a suit affecting the parent-child relationship in a court which has not already acquired continuing jurisdiction, the court shall request from the State Department of Public Welfare identification of the court which last had jurisdiction of the child in a suit affecting the parent-child relationship unless the information from the department is attached to the petition. The court shall identify the child by name, birthdate, and place of birth. If another court is determined to have continuing jurisdiction over the parent-child relationship, the court in which the suit was commenced shall dismiss the suit without prejudice.

**"Sec. 11.08. Contents of Petition**

"(a) The petition and all other documents in a proceeding brought under this subtitle (except a suit for adoption of an adult) shall be entitled 'In the interest of \_\_\_\_\_, a child.' In a suit in which adoption of a child is sought, the style shall be, 'In the interest of a child.'

"(b) The petition must be verified by the petitioner and must include to the best of the petitioner's information and belief:

- "(1) a statement that no other court has continuing jurisdiction of the suit;
- "(2) the name, sex, place and date of birth, and place of residence of the child, except that if adoption of a child is sought, the name of the child may be omitted;
- "(3) the full name, age, and place of residence of the petitioner and his relationship to the child or the fact that no relationship exists;
- "(4) the names, ages, and place of residence of the parents, except in a suit in which adoption is sought;
- "(5) the name and place of residence of the managing conservator, if any;
- "(6) the names and places of residence of the guardians of the person and estate of the child, if any;
- "(7) the names and places of residence of possessory conservators or other persons, if any, having access to the child under an order of the court;
- "(8) a full description and statement of value of all property owned or possessed by the child;
- "(9) a statement describing what action the court is requested to make concerning the child and the statutory grounds on which the request is made; and
- "(10) any other information required by other provisions of this subtitle.

**"Sec. 11.09. Citation**

"(a) The following persons are entitled to service of citation on the commencement of a suit affecting the parent-child relationship:

- "(1) the managing conservator, if any;
- "(2) possessory conservators, if any;
- "(3) persons, if any, having access to the child under an order of the court;
- "(4) persons, if any, required by law or by order of a court to provide for the support of a child;
- "(5) the guardian of the person of the child, if any;
- "(6) the guardian of the estate of the child, if any; and
- "(7) each parent, including the alleged father of an illegitimate child, as to whom the parent-child relationship has not been terminated or process has not been waived under Section 15.03(c)(2) of this code.

"(b) Citation on the commencement of a suit affecting the parent-child relationship or notice of a hearing shall be issued and served as in other civil cases except that citation or notice may be given by registered or certified mail, return receipt requested. In such cases, the clerk shall mail the citation and a copy of the petition to the person so notified marked for delivery to the addressee only. The filing of the returned receipt indicating delivery by registered or certified mail to the proper person shall be sufficient proof of the fact of service.

"(c) Citation may be given by publication as in other civil cases to persons entitled to service of citation who cannot be notified by personal service or registered or certified mail and to persons whose names are unknown. The notice shall be published one time. If the name of a person entitled to service of citation is unknown, the notice to be published shall be addressed to 'All Whom It May Concern.' One or more causes to be heard on a certain day may be included in one notice and hearings may be continued from time to time without further notice.

"(d) Notice by publication shall be sufficient if given in substantially the following form:

**'STATE OF TEXAS**

To (names of persons entitled to service of citation), and to all whom it may concern (if the name of any person entitled to service of citation is unknown), Respondent(s),

**GREETINGS:**

'YOU ARE HEREBY COMMANDED to appear and answer before the Honorable District Court, \_\_\_\_\_ Judicial District, \_\_\_\_\_ County, Texas, at the Courthouse of said county in \_\_\_\_\_, Texas, at or before 10 o'clock a. m. of the Monday next after the expiration of 20 days from the date of service of this citation, then and there to answer the petition of \_\_\_\_\_, Petitioner, filed in said Court on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, against \_\_\_\_\_, Respondent(s), and said suit being number \_\_\_\_\_ on the docket of said Court, and entitled "In the interest of \_\_\_\_\_, a child," the nature of which suit is a request to (statement of relief sought, e. g., "terminate the parent-child relationship"). Said child was born the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in (place of birth).

"The court has authority in this suit to enter any judgment or decree in the child's interest which will be binding upon you, including the termi-

nation of the parent-child relationship and the appointment of a conservator with authority to consent to the child's adoption.

Issued and given under my hand and seal of said Court at \_\_\_\_\_, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Clerk of the District Court of  
\_\_\_\_\_ County, Texas.

By \_\_\_\_\_, Deputy.

**"Sec. 11.10. Guardian Ad Litem**

"(a) In any suit in which termination of the parent-child relationship is sought, the court shall appoint a guardian ad litem to represent the interests of the child, unless the child is a petitioner. In any other suit under this subtitle, the court may appoint a guardian ad litem. The managing conservator may be appointed guardian ad litem if he is not a parent of the child or a person petitioning for adoption of the child and if he has no personal interest in the suit.

"(b) A guardian ad litem shall be appointed to represent any other person entitled to service of citation under the provisions of Section 11.09 of this code if the person is incompetent or a child.

"(c) The court may appoint an attorney to represent the interests of a minor child in any suit under this subtitle in which a guardian ad litem has not been appointed.

**"Sec. 11.11. Temporary Orders**

"(a) In a suit affecting the parent-child relationship, the court may make any temporary order for the safety and welfare of the child, including but not limited to an order:

- "(1) for the temporary conservatorship of the child;
- "(2) for the temporary support of the child;
- "(3) restraining any party from molesting or disturbing the peace of the child or another party;
- "(4) taking the child into the possession of the court or of a person designated by the court; or
- "(5) attaching the body of the child or prohibiting a person from removing the child beyond the jurisdiction of the court as under a writ of ne exeat.

"(b) Temporary orders under this section are governed by the rules governing temporary restraining orders and temporary injunctions in civil cases generally.

**"Sec. 11.12. Social Study**

"(a) In a suit affecting the parent-child relationship, the court may order the preparation of a social study into the circumstances and condition of the child and of the home of any person seeking managing conservatorship or possession of the child.

"(b) In a suit in which adoption is sought, the social study authorized by this section is mandatory.

"(c) The social study may be made by any state agency, including the State Department of Public Welfare, or any private agency, or any person appointed by the court. If an authorized agency is the managing conservator, the social study shall be made by the authorized agency. The social study shall be made according to criteria established by the court.

"(d) The agency or person making the social study shall file its findings and conclusions with the court on a date set by the court. The date may not be later than 60 days after the day the study is ordered, and in

cases of adoption it may not be later than 60 days after the day the petition is filed. The report shall be made a part of the record of the suit.

**"Sec. 11.13. Jury**

"(a) In a suit affecting the parent-child relationship, except a suit in which adoption is sought, any party may demand a jury trial.

"(b) The verdict of the jury is binding on the court except with respect to the issues of managing conservatorship, possession, and support of and access to a child, on which the verdict is advisory only, provided, however, the court may not enter a decree that contravenes the verdict of the jury on the issues of managing conservatorship, possession of, or access to a child.

**"Sec. 11.14. Hearing**

"(a) Except as otherwise provided in this subtitle, proceedings shall be as in civil cases generally.

"(b) On the agreement of all parties to the suit, the court may limit attendance at the hearing to only those persons who have a direct interest in the suit or in the work of the court.

"(c) The court may compel the attendance of witnesses necessary for the proper disposition of the petition, including a representative of the agency making the social study, who may be compelled to testify.

"(d) A record shall be made as in civil cases generally unless waived by the parties with the consent of the court.

"(e) The rules of evidence apply as in other civil cases.

"(f) When information contained in a report, study, or examination is before the court, the person making the report, study, or examination is subject to both direct examination and cross-examination as in civil cases generally.

"(g) The hearing may be adjourned from time to time.

"(h) In any suit in which a social study is ordered, the court shall set a time and place for a hearing, which must be held not more than 60 days after the date the study was ordered; except that in adoption cases the hearing shall be held not less than 40 days nor more than 60 days after the day the investigator is appointed. However, for good cause shown the court may set the hearing at any time which provides adequate time for filing the report of the study. On or before the day set for hearing, the court, for good cause shown, may change the time of the hearing to any day after the day on which the report of the social study is presented to the court. The person or agency appointed to make the social study is entitled to at least five days' notice of the change.

**"Sec. 11.15. Findings**

"The court's findings shall be based on a preponderance of the evidence under rules generally applicable to civil cases.

**"Sec. 11.16. Decree**

"The decree in a suit affecting the parent-child relationship shall recite the names and addresses of the parties to the suit, the basis of the court's jurisdiction, and relevant facts on which the findings and orders are based.

**"Sec. 11.17. Central Record File**

"(a) Except as provided by Subsection (b) of this section, the clerk of each court having jurisdiction of suits affecting the parent-child relationship shall transmit to the State Department of Public Welfare a copy of the decree entered in each suit affecting the parent-child relationship, together with the name and all prior names, birthdate, and place of birth of the child. The department shall maintain these records in a central



file according to the name, birthdate, and place of birth of the child, the court which rendered the decree, and the docket number of the suit.

"(b) On entry of a decree of adoption, the clerk of the court shall transmit to the department the complete file in the case, including all pleadings, papers, studies, and records in the suit other than the minutes of the court. When the department receives the complete file, it shall close the records concerning that child; and except for statistical purposes, it shall not disclose any information concerning the prior proceedings affecting the child. Any subsequent inquiries concerning the child shall be handled as though the child had not been previously the subject of a suit affecting the parent-child relationship. On the receipt of additional records concerning a child who has been the subject of an adoption decree, a new file shall be made and maintained as other records required by this section.

"(c) On the written request of a court or of an attorney, the department shall identify the court which last had jurisdiction of the child in a suit affecting the parent-child relationship and give the docket number of the suit, or state that the child has not been the subject of a suit affecting the parent-child relationship. The child shall be identified in the request by name, birthdate, and place of birth. The department shall transmit this information within 10 days after the day the request is received and may charge a reasonable fee to cover the cost of this service.

"(d) The records required to be maintained by the department are confidential, and no person is entitled to access to or information from these records except as provided by this section or on an order of a district court of Travis County for good cause.

"(e) The department may utilize microfilm or other suitable means for maintaining the central record file. A certified reproduction of a document maintained by the department is admissible in evidence as the original document.

#### **"Sec. 11.18. Costs**

"(a) In any proceeding under this subtitle, the court may award costs as in other civil cases. Reasonable attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order for fees in his own name.

"(b) No separate filing fee is required in any suit affecting the parent-child relationship joined with a suit for dissolution of marriage under Title 1 of this code. Additional filing fees shall not be required if more than one form of relief is requested in a suit affecting the parent-child relationship.

#### **"Sec. 11.19. Appeal**

"(a) Appeals from orders, decrees, or judgments entered in suits affecting the parent-child relationship, when allowed under this section or under other provisions of law, shall be as in civil cases generally.

"(b) An appeal may be taken by any party to a suit affecting the parent-child relationship from an order, decree, or judgment:

"(1) entered under Chapter 13 of this code;

"(2) entered under Chapter 14 of this code appointing or refusing to appoint a managing conservator; appointing or refusing to appoint a possessory conservator; ordering or refusing to order payments for support of a child; or modifying any such order previously entered;

“(3) entered under Chapter 15 of this code terminating or refusing to terminate the parent-child relationship; or appointing a managing conservator;

“(4) entered under Chapter 16 of this code granting or refusing an adoption.

“(c) An appeal from an order, judgment, or decree, with or without a supersedeas bond, does not suspend the order, decree, or judgment unless suspension is ordered by the court entering the order, decree, or judgment. The appellate court, on a proper showing, may permit the order, decree, or judgment to be suspended.

“(d) On the motion of the parties or on its own motion the appellate court in its opinion may identify the parties by fictitious names or by their initials only.

## “CHAPTER 12. THE PARENT-CHILD RELATIONSHIP

### “Section

12.01. Relation of Child to Mother.

12.02. Relation of Child to Father.

12.03. Artificial Insemination.

12.04. Rights, Privileges, Duties, and Powers of Parent.

### “Sec. 12.01. Relation of Child to Mother

“A child is the legitimate child of his mother.

### “Sec. 12.02. Relation of Child to Father

“(a) A child is the legitimate child of a man if the child is born or conceived before or during the marriage of his mother and the man.

“(b) A child is the legitimate child of a man if at any time his mother and the man have attempted to marry in apparent compliance with the laws of this state or another state or nation, although the attempted marriage is or might be declared void, and the child is born or conceived before or during the attempted marriage.

“(c) A child is the legitimate child of a man if the man's paternity is established under the provisions of Chapter 13 of this code.

### “Sec. 12.03. Artificial Insemination

“(a) If a husband consents to the artificial insemination of his wife, any resulting child is the legitimate child of both of them. The consent must be in writing and must be acknowledged.

“(b) If a woman is artificially inseminated, the resulting child is not the child of the donor unless he is the husband.

### “Sec. 12.04. Rights, Privileges, Duties, and Powers of Parent

“Except as otherwise provided by judicial order or by an affidavit of relinquishment of parental rights executed under Section 15.03 of this code, the parent of a child has the following rights, privileges, duties, and powers:

“(1) the right to have physical possession of the child and to establish its legal domicile;

“(2) the duty of care, control, protection, moral and religious training, and reasonable discipline of the child;

“(3) the duty to support the child, including providing the child with clothing, food, shelter, medical care, and education;

“(4) the duty to manage the estate of the child;

“(5) the right to the services and earnings of the child;

- “(6) the power to consent to marriage, to enlistment in the armed forces of the United States, and to medical, psychiatric, and surgical treatment;
- “(7) the power to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
- “(8) the power to receive and give receipt for payments for the support of the child and to hold or disburse any funds for the benefit of the child;
- “(9) the right to inherit from and through the child; and
- “(10) any other right, privilege, duty, or power existing between a parent and child by virtue of law.

### “CHAPTER 13. VOLUNTARY LEGITIMATION

#### “Section

- 13.01. Voluntary Legitimation.
- 13.02. Statement of Paternity.
- 13.03. Effect of Statement of Paternity.
- 13.04. Validation of Prior Statements.
- 13.05. Managing Conservatorship, Support, Etc.
- 13.06. Birth Certificate.

#### “Sec. 13.01. Voluntary Legitimation

“(a) The father of a child not the legitimate child of another man may institute a suit for a decree designating him as the father of the child unless the parent-child relationship has been terminated under Chapter 15 of this code. With the consent of the mother or the managing conservator, if one has been appointed, and the court, and on the filing of a statement of paternity executed by the father and submitted with the petition, and after notice to the wife, if any, of the father of the child, the court shall enter a decree declaring the child to be the child of the father.

“(b) If a statement of paternity is filed with the State Department of Public Welfare, the father, the mother, or the department may institute a suit for a decree establishing the child as the legitimate child of the person executing the statement. On the consent of the mother, the managing conservator, or the court, and on the filing of the statement of paternity with the petition, the court shall enter a decree declaring the child to be the legitimate child of the person executing the statement of paternity.

“(c) A suit for voluntary legitimation may be joined with a suit for termination under Chapter 15 of this code.

#### “Sec. 13.02. Statement of Paternity

“The statement of paternity authorized to be used in Section 13.01 of this code must be executed by the father of the child as an affidavit and witnessed by two credible adults. The affidavit must clearly state that the father acknowledges the child as his child, that he and the mother, who is named in the affidavit, were not married to each other at the time of conception of the child or at any subsequent time, that the child is not the legitimate child of another man, and that the child is entitled to support from the father. The statement must be executed before a person authorized to administer oaths under the laws of this state.

**"Sec. 13.03. Effect of Statement of Paternity**

"(a) A statement of paternity executed as provided in Section 13.02 of this code is prima facie evidence that the child is the child of the person executing the statement and that the person has an obligation to support the child.

"(b) If the father's address is unknown or he is outside the jurisdiction of the court at the time a suit is instituted under Section 13.01 of this code, his statement of paternity, in the absence of controverting evidence, is sufficient for the court to enter a decree establishing his paternity of the child.

**"Sec. 13.04. Validation of Prior Statements**

"A statement acknowledging paternity or an obligation to support a child which was signed by the father before January 1, 1974, is valid and binding even though the statement is not executed as provided in Section 13.02 of this code and is not filed with the State Department of Public Welfare or with the court.

**"Sec. 13.05. Managing Conservatorship, Support, Etc.**

"In a suit in which voluntary legitimation is sought, the court may provide for the managing conservatorship, possession, and support of and access to the child.

**"Sec. 13.06. Birth Certificate**

"On voluntary legitimation under this chapter, the clerk of the court, unless directed otherwise by the court, shall transmit a copy of the decree to the State Registrar of Vital Statistics. The decree shall state the name of the child. The registrar shall substitute for the original a new birth certificate based on the decree in accordance with the provisions of the laws which permit the correction or substitution of birth certificates for adopted children or children legitimated by the subsequent marriage of their parents and in accordance with the rules and regulations promulgated by the State Department of Health.

**"CHAPTER 14. CONSERVATORSHIP, POSSESSION, AND  
SUPPORT OF CHILDREN**

**"Section**

- 14.01. Court Appointment of Managing Conservator.
- 14.02. Rights, Privileges, Duties, and Powers of Managing Conservator.
- 14.03. Possession of and Access to Child.
- 14.04. Rights, Privileges, Duties, and Powers of Possessory Conservator.
- 14.05. Support of Child.
- 14.06. Agreements Concerning Conservatorship.
- 14.07. Best Interest of Child.
- 14.08. Modification of Order.
- 14.09. Enforcement of Order.
- 14.10. Habeas Corpus.

**"Sec. 14.01. Court Appointment of Managing Conservator**

"(a) In any suit affecting the parent-child relationship, the court may appoint a managing conservator, who must be a suitable, competent adult, or a parent, or an authorized agency. If the court finds that the parents are or will be separated, the court shall appoint a managing conservator.

"(b) A parent shall be appointed managing conservator of the child unless the court finds that appointment of the parent would not be in the

best interest of the child. In determining which parent to appoint as managing conservator, the court shall consider the qualifications of the respective parents without regard to the sex of the parent.

"(c) A qualified person or authorized agency designated managing conservator of the child in an unrevoked or irrevocable affidavit of relinquishment of parental rights executed pursuant to Section 15.03 of this code shall be appointed managing conservator of the child unless the court finds that appointment of the person or agency would not be in the best interest of the child.

"(d) A person appointed managing conservator who is not a parent of the child shall each 12 months after his appointment file with the court a report of facts concerning the child's welfare, including his whereabouts and physical condition. The report may not be admitted in evidence in any subsequent suit affecting the parent-child relationship.

**"Sec. 14.02. Rights, Privileges, Duties, and Powers of Managing Conservator**

"(a) A parent appointed managing conservator of the child retains all the rights, privileges, duties, and powers of a parent to the exclusion of the other parent, subject to the rights, privileges, duties, and powers of a possessory conservator as provided in Section 14.04 of this code and to any limitation imposed by court order in allowing access to the child.

"(b) A managing conservator who is not the parent of the child has the following rights, privileges, duties, and powers, subject to the rights, privileges, duties, and powers of a possessory conservator as provided in Section 14.04 of this code and to any limitation imposed by court order in allowing access to the child:

- "(1) the right to have physical possession of the child and to establish its legal domicile;
- "(2) the duty of care, control, protection, moral and religious training, and reasonable discipline of the child;
- "(3) the duty to provide the child with clothing, food, shelter, and education;
- "(4) the right to the services and earnings of the child;
- "(5) the power to consent to marriage, to enlistment in the armed forces of the United States, and to medical, psychiatric, and surgical treatment;
- "(6) the power to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
- "(7) the power to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child; and
- "(8) if the parent-child relationship has been terminated with respect to the parents, or only living parent, or if there is no living parent, the power to consent to the adoption of the child and to make any other decision concerning the child that a parent could make.

"(c) A person or authorized agency designated managing conservator of a child in an affidavit of relinquishment executed pursuant to Section 15.03 of this code shall have the rights, privileges, duties, and powers given by Section 14.04 of this code to a possessory conservator until such time as these rights, privileges, duties, and powers are modified or terminated by court order.

**"Sec. 14.03. Possession of and Access to Child**

"(a) If a managing conservator is appointed, the court may appoint one or more possessory conservators and set the time and conditions for possession of or access to the child by the possessory conservators and others.

"(b) On the appointment of a possessory conservator, the court shall prescribe the rights, privileges, duties, and powers of the possessory conservator.

"(c) The court may not deny possession of or access to a child to either or both parents unless it finds that parental possession or access is not in the best interest of the child and that parental possession or access would endanger the physical or emotional welfare of the child.

"(d) The court may grant reasonable visitation rights to either the maternal or paternal grandparents of the child and issue any necessary orders to enforce said decree.

**"Sec. 14.04. Rights, Privileges, Duties, and Powers of Possessory Conservator**

"A possessory conservator has the following rights, privileges, duties, and powers during the period of possession, subject to any limitations expressed in the decree:

- "(1) the duty of care, control, protection, and reasonable discipline of the child;
- "(2) the duty to provide the child with clothing, food, and shelter;
- "(3) the power to consent to medical and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
- "(4) any other right, privilege, duty, or power of a managing conservator expressly granted in the decree awarding possession of the child.

**"Sec. 14.05. Support of Child**

"(a) The court may order either or both parents to make periodic payments or a lump-sum payment, or both, for the support of the child until he is 18 years of age in the manner and to the persons specified by the court in the decree. In addition, the court may order a parent obligated to support a child to set aside property to be administered for the support of the child in the manner and by the persons specified by the court in the decree.

"(b) If the court finds that the child, whether institutionalized or not, requires continuous care and personal supervision because of a mental or physical disability and will not be able to support himself, the court may order that payments for the support of the child shall be continued after the 18th birthday and extended for an indefinite period.

"(c) The court may order the trustees of a spendthrift or other trust to make disbursements for the support of the child to the extent the trustees are required to make payments to a beneficiary who is required to make support payments under this section. If disbursement of the assets of the trust is discretionary in the trustees, the court may order payments for the benefit of the child from the income of the trust, but not from the principal.

"(d) Unless otherwise agreed to in writing or expressly provided in the decree, provisions for the support of a child are terminated by the marriage of the child, the removal of the child's disabilities for general purposes, or the death of a parent obligated to support the child.

**"Sec. 14.06. Agreements Concerning Conservatorship**

"(a) To promote the amicable settlement of disputes between the parties to a suit under this chapter, the parties may enter into a written agreement containing provisions for conservatorship and support of the child.

"(b) If the court finds the agreement is not in the child's best interest the court may request the parties to submit a revised agreement or the court may make orders for the conservatorship and support of the child.

"(c) If the court finds that the agreement is in the child's best interest, its terms shall be set forth in the decree and the parties shall be ordered to perform them.

"(d) Terms of the agreement set forth in the decree may be enforced by all remedies available for enforcement of a judgment, including contempt, but are not enforceable as contract terms unless the agreement so provides.

**"Sec. 14.07. Best Interest of Child**

"(a) The best interest of the child shall always be the primary consideration of the court in determining questions of managing conservatorship, possession, and support of and access to the child. If the child is 14 years of age or older, he may, by writing filed with the court, choose the managing conservator, subject to the approval of the court.

"(b) In determining the best interest of the child, the court shall consider the circumstances of the parents.

"(c) The court may interview the child in chambers to ascertain the child's wishes as to his conservator. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

**"Sec. 14.08. Modification of Order**

"(a) Any party affected by an order of the court providing for managing conservatorship or support of a child, or setting the terms and conditions for possession of or access to a child, may file a motion requesting the court to modify its former order. The motion shall allege that the circumstances of the child have materially and substantially changed since the entry of the order sought to be modified, set forth the alleged circumstances, and be sworn to by the party seeking modification.

"(b) All parties to the suit are entitled to notice and hearing.

"(c) After a hearing and on a finding that the circumstances of the child have materially and substantially changed and that modification is in the best interest of the child, any order or part of an order may be modified, except that an order providing for support of a child may be modified only as to obligations accruing subsequent to the motion to modify.

"(d) No motion to modify the decree of conservatorship may be made earlier than one year after the date of the initial decree unless the court decides on the basis of affidavit that there is reason to believe that the child's present environment may endanger his physical health or significantly impair his emotional development. The affidavit shall set forth facts supporting the requested modification and shall be submitted with the motion to modify. The court shall deny the motion to modify unless it finds adequate cause for hearing the motion, in which case the motion shall be set for hearing.

**"Sec. 14.09. Enforcement of Order**

"(a) Any order of the court may be enforced by contempt.

"(b) A court may enforce an order for support as provided in Rule 308A of the Texas Rules of Civil Procedure or any subsequent version of the rule promulgated by the supreme court.

"(c) On the motion of any party entitled to receive payments for the benefit of a child, the court may render judgment against a defaulting party for any amount unpaid and owing after 10 days' notice to the defaulting party of his failure or refusal to carry out the terms of the order. The judgment may be enforced by any means available for the enforcement of judgments for debts.

"(d) A parent may be compelled to testify fully in regard to his ability to support the child.

**"Sec. 14.10. Habeas Corpus**

"(a) If the right to possession of a child is presently governed by a court order, the court in a habeas corpus proceeding involving the right to possession of the child shall compel return of the child to the relator if and only if it finds that the relator is presently entitled to possession by virtue of the court order.

"(b) The court shall disregard any cross action or motion pending for modification of the decree determining managing conservatorship, possession, or support of or access to the child unless it finds that the previous order was granted by a court of another state or nation and that:

"(1) the court did not have jurisdiction of the parties; or

"(2) the child has been within the state for at least 12 months immediately preceding the filing of the petition for the writ.

"(c) The court may issue any appropriate temporary order if there is a serious immediate question concerning the welfare of the child.

"(d) While in this state for the sole purpose of compelling the return of a child through a habeas corpus proceeding, the relator is not amenable to civil process and is not subject to the jurisdiction of any civil court except the court in which the writ is pending and in that court only for the purpose of prosecuting the writ.

**"CHAPTER 15. TERMINATION OF THE PARENT-CHILD  
RELATIONSHIP**

**"Section**

15.01. Termination When Parent is Petitioner.

15.02. Termination When Parent is not Petitioner.

15.03. Affidavit of Relinquishment of Parental Rights.

15.04. Affidavit of Status of Child.

15.05. Decree.

15.06. Dismissal of Petition.

15.07. Effect of Decree.

**"Sec. 15.01. Termination When Parent is Petitioner**

"A parent may file a petition requesting termination of the parent-child relationship with his child. The petition may be granted if the court finds that termination is in the best interest of the child.

**"Sec. 15.02. Termination When Parent is not Petitioner**

"A petition requesting termination of the parent-child relationship with respect to a parent who is not the petitioner may be granted if the court finds that:

"(1) the parent has:

"(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return; or



- “(B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months; or
- “(C) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child; or
- “(D) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child; or
- “(E) failed to support the child in accordance with his ability during a period of one year ending within six months of the date of the filing of the petition; or
- “(F) abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence; or
- “(G) contumaciously refused to submit to a reasonable and lawful order of a court under Section 34.05 of this code; or
- “(H) been the major cause of:
  - “(i) the child's repeated violations of the compulsory school attendance laws; or
  - “(ii) the child's absence from his home without the consent of his parents or guardian for a substantial length of time or without the intent to return; or
- “(I) executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Section 15.03 of this code; and

“(2) termination is in the best interest of the child.

**“Sec. 15.03. Affidavit of Relinquishment of Parental Rights**

“(a) An affidavit for voluntary relinquishment of parental rights must be signed by the parent, whether or not a minor, whose parental rights are to be relinquished, witnessed by two credible persons, and acknowledged before any person authorized to take oaths.

“(b) The affidavit must contain:

- “(1) the name, address, and age of the parent whose parental rights are being relinquished;
- “(2) the name, age, and birthdate of the child;
- “(3) the names and addresses of the guardians of the person and estate of the child, if any;
- “(4) a statement that the affiant is or is not presently obligated by court order to make payments for the support of the child;
- “(5) a full description and statement of value of all property owned or possessed by the child;
- “(6) allegations that termination of the parent-child relationship is in the best interest of the child;
- “(7) one of the following, as applicable:
  - “(A) the name and address of the other parent;
  - “(B) a statement that the parental rights of the other parent have been terminated by death or court order; or

- “(C) a statement that the child is not the legitimate child of the father and that an affidavit of status of child has been executed as provided by Section 15.04 of this code;
  - “(8) a statement that the parent has been informed of his parental rights, powers, duties, and privileges; and
  - “(9) a statement that the relinquishment is revocable, or that the relinquishment is irrevocable, or that the relinquishment is irrevocable for a stated period of time.
- “(c) The affidavit may contain:
- “(1) a designation of any qualified person, the State Department of Public Welfare, or any authorized agency as managing conservator of the child;
  - “(2) a waiver of process in a suit to terminate the parent-child relationship brought under Section 15.02(1)(G)<sup>79a</sup> of this code, or in a suit to terminate joined with a petition for adoption under Section 16.03(e) of this code, for the period during which the affidavit is irrevocable; and
  - “(3) a consent to the placement of the child for adoption by the State Department of Public Welfare or by an agency authorized by the State Department of Public Welfare to place children for adoption.
- “(d) An affidavit of relinquishment of parental rights which designates as the managing conservator of the child the State Department of Public Welfare or an agency authorized by the State Department of Public Welfare to place children for adoption is irrevocable. Any other affidavit of relinquishment is revocable unless it expressly provides that it is irrevocable for a stated period of time not to exceed 60 days after the date of its execution.

**“Sec. 15.04. Affidavit of Status of Child**

“(a) If the child is not the legitimate child of the father, an affidavit shall be executed by the mother, whether or not a minor, subsequent to the birth of the child, witnessed by two credible persons, and acknowledged before any person authorized to take oaths.

“(b) The affidavit must state that:

- “(1) the mother is not and has not been married to the father of the child;
- “(2) the mother and father have not attempted to marry under the laws of this state or another state or nation;
- “(3) paternity has not been established under the laws of any state or nation; and
- “(4) one of the following, as applicable:
  - “(A) the father is unknown;
  - “(B) the affiant does not know the whereabouts of the father;
  - “(C) the father has executed a statement of paternity under Section 13.02 of this code and an affidavit of relinquishment of parental rights under Section 15.03 of this code and both affidavits have been filed with the court; or
  - “(D) the name and whereabouts of the father.

**“Sec. 15.05. Decree**

“(a) If the court finds grounds for termination of the parent-child relationship, it shall enter a decree terminating the parent-child relationship.

<sup>79a</sup>. So in enrolled bill; probably should read “15.02(1)(I)”.

“(b) If the court terminates the parent-child relationship with respect to both parents or to the only living parent, the court shall appoint a suitable, competent adult or authorized agency as managing conservator of the child. An agency designated managing conservator in an unrevoked or irrevocable affidavit of relinquishment shall be appointed managing conservator. The order of appointment may refer to the docket number of the suit and need not refer to the parties nor be accompanied by any other papers in the record.

“(c) If the court does not order termination of the parent-child relationship it shall:

“(1) dismiss the petition; or

“(2) enter any order considered to be in the best interest of the child.

**“Sec. 15.06. Dismissal of Petition**

“A petition for termination of the parent-child relationship may not be dismissed on the motion of the petitioner except by order of the court entered on the written motion of all parties to the proceeding. Unless otherwise stated in the court's order, the dismissal is without prejudice.

**“Sec. 15.07. Effect of Decree**

“A decree terminating the parent-child relationship divests the parent and the child of all legal rights, privileges, duties, and powers, with respect to each other, except that the child retains the right to inherit from its parent unless the court otherwise provides.

## **“CHAPTER 16. ADOPTION**

### **“SUBCHAPTER A. ADOPTION OF CHILDREN**

**“Section**

- 16.01. Who May be Adopted.
- 16.02. Who May Adopt.
- 16.03. Prerequisites to Petition.
- 16.04. Residence With Petitioner.
- 16.05. Consent Required.
- 16.06. Revocation of Consent.
- 16.07. Attendance Required.
- 16.08. Decree.
- 16.09. Effect of Adoption Decree.
- 16.10. Withdrawal or Denial of Petition.
- 16.11. Abatement.
- 16.12. Direct or Collateral Attack.

“[Sections 16.13—16.50 reserved for expansion]

### **“SUBCHAPTER B. ADOPTION OF ADULTS**

- 16.51. Who May Adopt.
- 16.52. Consent.
- 16.53. Petition.
- 16.54. Attendance at Hearing.
- 16.55. Effect of Adoption Decree.

**"SUBCHAPTER A. ADOPTION OF CHILDREN****"Sec. 16.01. Who May be Adopted**

"Any child residing in this state at the time a petition requesting adoption is filed may be adopted.

**"Sec. 16.02. Who May Adopt**

"Any adult is eligible to adopt a child who is a resident of this state at the time the petition for adoption is filed.

**"Sec. 16.03. Prerequisites to Petition**

"(a) If a petitioner is married, both spouses must join in the petition for adoption.

"(b) Except as provided in Subsections (c), (d), and (e) of this section, no petition for adoption of a child may be considered unless there has been a decree terminating the parent-child relationship as to each living parent of the child.

"(c) If a parent is presently the spouse of the petitioner, no termination decree is required with respect to the parental rights of that parent.

"(d) If the child is not the legitimate child of its father and the mother is the spouse of the petitioner, the mother shall execute an affidavit in accordance with Section 15.04 of this code, and no termination decree is required with respect to the parental rights of the natural father. The affidavit must be attached to the petition.

"(e) If an affidavit of relinquishment of parental rights contains a consent that the State Department of Public Welfare or an authorized agency may place the child for adoption and appoints the department or agency managing conservator of the child, no further consent by the parent is required and the adoption decree shall terminate all rights of the parent without further termination proceedings.

**"Sec. 16.04. Residence With Petitioner**

"No petition for the adoption of a child shall be granted until the child has lived for at least six months in the home of the petitioner. However, if requested in the petition, the residence requirement may be waived by order of the court if the court is satisfied that the best interest of the child would be served.

**"Sec. 16.05. Consent Required**

"(a) If a managing conservator has been appointed, his consent to the adoption must be given in writing and filed in the record unless he is a petitioner, in which case his consent need not be given.

"(b) If a parent of the child is presently the spouse of the petitioner, that parent must join in the petition for adoption, and no further consent of that parent is required.

"(c) If the child to be adopted is 12 years of age or older, his consent must be given in court or in writing in the form directed by the court. The court may waive this requirement if the best interest of the child would be served.

"(d) The court may waive the requirement of consent to the adoption by the managing conservator if it finds that the consent is being refused, or has been revoked, without good cause.

**"Sec. 16.06. Revocation of Consent**

"At any time before an order granting the adoption of the child is entered, a consent required by Section 16.05 of this code may be revoked by filing a signed revocation statement with the court.

**"Sec. 16.07. Attendance Required**

"(a) If husband and wife are joint petitioners and it would be unduly difficult for one of the petitioners to appear, the court may waive the attendance of that petitioner if the other spouse is present.

"(b) If the child to be adopted is 12 years of age or older, he shall attend the hearing unless the court finds it to be in the best interest of the child to waive this requirement.

**"Sec. 16.08. Decree**

"(a) If the court is satisfied that the requirements for adoption have been met and the adoption is in the best interest of the child, the court shall make a decree granting the adoption, reciting the findings pertaining to the court's jurisdiction. If a request for termination of the parent-child relationship has been joined with the petition for adoption under Section 16.03(e) of this code, the court shall also enter in its decree a termination of the parent-child relationship.

"(b) The name of the child may be changed in the decree if requested.

**"Sec. 16.09. Effect of Adoption Decree**

"(a) On entry of a decree of adoption, the parent-child relationship exists between the adopted child and the adoptive parents as if the child were born to the adoptive parents during marriage.

"(b) An adopted child is entitled to inherit from and through his adoptive parents as though he were the natural child of the parents.

"(c) The terms 'child,' 'descendant,' 'issue,' and other terms indicating the relationship of parent and child include an adopted child unless the context or express language clearly indicates otherwise.

**"Sec. 16.10. Withdrawal or Denial of Petition**

"In a suit in which the petition is withdrawn or denied, the court may order the removal of the child from the proposed adoptive home if removal is in the child's best interest, and may enter any order which is necessary for the welfare of the child.

**"Sec. 16.11. Abatement**

"(a) In the event of the death of the petitioner or petitioners, or the divorce of the petitioners, the proceeding abates and the petition for adoption shall be dismissed, unless the petition is amended to request adoption by one of the original petitioners.

"(b) If one of two petitioners dies, the proceeding continues uninterrupted.

**"Sec. 16.12. Direct or Collateral Attack**

"The validity of an adoption decree is not subject to attack more than two years after the decree is entered.

"[Sections 16.13—16.50 reserved for expansion]

**"SUBCHAPTER B. ADOPTION OF ADULTS****"Sec. 16.51. Who May Adopt**

"Any adult resident of the state may petition the district court in the county of his residence to adopt an adult person.

**"Sec. 16.52. Consent**

"No petition for adoption of an adult shall be granted until the adult to be adopted has acknowledged and filed with the petition his consent to adoption by the petitioner.

**"Sec. 16.53. Petition**

"The petition to adopt an adult shall be entitled 'In the interest of . . . . ., an adult.' A petition filed by a married person must be joined in by the spouse.

**"Sec. 16.54. Attendance at Hearing**

"The petitioner and the adult to be adopted shall be required to attend the hearing unless for good cause, shown by an order entered in the minutes of the court, the petitioner or adult to be adopted is unable to be present.

**"Sec. 16.55. Effect of Adoption Decree**

"On entry of the decree of adoption, the adopted adult is the son or daughter of the adoptive parents, and of the natural parents, for inheritance purposes. However, the natural parents may not inherit from the adopted adult.

**"CHAPTER 17. SUIT FOR PROTECTION OF CHILD  
IN EMERGENCY**

**"Section**

- 17.01. Taking Possession in Emergency.
- 17.02. Hearing.
- 17.03. Notice.
- 17.04. Grounds and Disposition.
- 17.05. Duration of Order.
- 17.06. Modification.
- 17.07. Effect of Appeal.
- 17.08. Continuing Jurisdiction not Retained.
- 17.09. Civil Liability.

**"Sec. 17.01. Taking Possession in Emergency**

"An authorized representative of the State Department of Public Welfare, a law-enforcement officer, or a juvenile probation officer may take possession of a child to protect him from an immediate danger to his physical safety and deliver him to any court having jurisdiction of suits under this subtitle, whether or not the court has continuing jurisdiction under Section 11.05 of this code. The child shall be delivered immediately to the court.

**"Sec. 17.02. Hearing**

"Unless the child is taken into possession pursuant to a temporary order entered by a court under Section 11.11 of this code, the officer or representative shall file a petition in the court immediately on delivery of the child to the court, and a hearing shall be held to provide for the temporary care or protection of the child.

**"Sec. 17.03. Notice**

"The proceeding under Section 17.02 of this code may be held without notice.

**"Sec. 17.04. Grounds and Disposition**

"On a showing that the child is apparently without support and is dependent on society for protection, or that the child is in immediate danger of physical or emotional injury, the court may make any appropriate order for the care and protection of the child and may appoint a temporary managing conservator for the child.

**"Sec. 17.05. Duration of Order**

"An order issued under Section 17.04 of this code expires at the end of the 10-day period following the date of the order, or on the issuance of temporary orders in a suit affecting the parent-child relationship under this subtitle, whichever occurs first.

**"Sec. 17.06. Modification**

"On the motion of a parent, managing conservator, or guardian of the person of the child, and notice to those persons involved in the original emergency hearing, the court shall conduct a hearing and may modify any emergency order made under this chapter if found to be in the best interest of the child.

**"Sec. 17.07. Effect of Appeal**

"An appeal from an emergency order made under this chapter does not stay the order.

**"Sec. 17.08. Continuing Jurisdiction not Retained**

"The court having jurisdiction of a child under this chapter does not retain continuing jurisdiction within the meaning of Section 11.05 of this code.

**"Sec. 17.09. Civil Liability**

"A person who takes possession of a child under Section 17.01 of this code is immune from civil liability if, at the time possession is taken, he had reasonable cause to believe there was an immediate danger to the physical safety or emotional well-being of the child.

**"SUBTITLE B. UNIFORM ACTS AND INTERSTATE COMPACTS****"CHAPTER 21. UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT****"SUBCHAPTER A. GENERAL PROVISIONS****"Section**

- 21.01. Short Title.
- 21.02. Purposes.
- 21.03. Definitions.
- 21.04. Remedies.
- 21.05. Extent of Duty of Support.
- 21.06. Uniformity of Interpretation.

"[Sections 21.07–21.10 reserved for expansion]

**"SUBCHAPTER B. CRIMINAL ENFORCEMENT**

- 21.11. Interstate Rendition.
- 21.12. Conditions of Interstate Rendition.

"[Sections 21.13–21.20 reserved for expansion]

**"SUBCHAPTER C. CIVIL ENFORCEMENT**

- 21.21. Choice of Law.
- 21.22. State or Political Subdivision Furnishing Support.
- 21.23. How Duties of Support are Enforced.
- 21.24. Jurisdiction.
- 21.25. Petition for Support.
- 21.26. Representation of Plaintiff.
- 21.27. Minor Petitioner.
- 21.28. Court of This State as Initiating State.
- 21.29. Costs.

**"Section**

- 21.30. Jurisdiction by Arrest.
- 21.31. State Information Agency.
- 21.32. Duty of State as Responding State.
- 21.33. Duty of Prosecuting Attorney in Responding State.
- 21.34. Continuation of the Case.
- 21.35. Testimony of Husband and Wife.
- 21.36. Rules of Evidence.
- 21.37. Support Order.
- 21.38. Transmittal of Orders.
- 21.39. Enforcement Power of Court.
- 21.40. Receipt and Disbursement of Payments—Responding State.
- 21.41. Receipt and Disbursement of Payments—Initiating State.
- 21.42. Stay of Proceedings.
- 21.43. Application of Payments.
- 21.44. Participation in Proceeding.
- 21.45. Interdistrict Application.

"[Sections 21.46–21.60 reserved for expansion]

**"SUBCHAPTER D. REGISTRATION OF FOREIGN  
SUPPORT ORDERS**

- 21.61. Additional Remedies.
- 21.62. Registration.
- 21.63. Registry of Foreign Support Orders.
- 21.64. Petition for Registration.
- 21.65. Jurisdiction and Procedure.
- 21.66. Effect and Enforcement of Support Order.

**"SUBCHAPTER A. GENERAL PROVISIONS**

**"Sec. 21.01. Short Title**

"This chapter may be cited as the Uniform Reciprocal Enforcement of Support Act.

**"Sec. 21.02. Purposes**

"The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

**"Sec. 21.03. Definitions**

"In this chapter, unless the context requires a different definition:

- "(1) 'State' includes any state, territory, or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.
- "(2) 'Initiating state' means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.
- "(3) 'Responding state' means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.
- "(4) 'Court' means the district court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.
- "(5) 'Law' includes both common and statute law.
- "(6) 'Duty of support' includes any duty of support imposed or imposable by law, or by any court order, decree, or judg-



ment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance, or otherwise; but shall not include alimony for a former wife.

“(7) ‘Obligor’ means any person owing a duty of support.

“(8) ‘Obligee’ means any person to whom a duty of support is owed and a state or political subdivision thereof.

“(9) ‘Governor’ includes any person performing the functions of governor or the executive authority of any territory covered by the provisions of this chapter.

“(10) ‘Support order’ means any judgment, decree, or order of support, whether temporary or final, whether subject to modification, revocation, or remission, regardless of the kind of action in which it is entered.

“(11) ‘Rendering state’ means any state in which a support order is originally entered.

“(12) ‘Registering court’ means any court of this state in which the support order of the rendering state is registered.

“(13) ‘Register’ means to record in the Registry of Foreign Support Orders.

“(14) ‘Certification’ shall be in accordance with the laws of the certifying state.

“(15) ‘Prosecuting attorney’ means the criminal district attorney or county attorney, or the district attorney where there is no criminal district attorney or county attorney.

“(16) ‘Custody’ includes managing conservatorship.

**“Sec. 21.04. Remedies**

“The remedies herein provided are in addition to and not in substitution for any other remedies.

**“Sec. 21.05. Extent of Duty of Support**

“Duties of support arising under the law of this state, when applicable under Section 21.21 of this code, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

**“Sec. 21.06. Uniformity of Interpretation**

“This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

“[Sections 21.07—21.10 reserved for expansion]

**“SUBCHAPTER B. CRIMINAL ENFORCEMENT**

**“Sec. 21.11. Interstate Rendition**

“(a) The governor of this state may:

“(1) demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state; and

“(2) surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of any person in such other state.

“(b) The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this

section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

**"Sec. 21.12. Conditions of Interstate Rendition**

"(a) Before making the demand on the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least 60 days prior thereto the obligee brought an action for the support under this chapter, or that the bringing of an action would be of no avail.

"(b) When under this chapter or a substantially similar act, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this chapter or would be effective.

"(c) If any action for the support would be effective and no action has been brought, the governor may delay honoring the demand for a reasonable time to permit prosecution of an action for support.

"(d) If an action for support has been brought and the person demanded has prevailed in that action, the governor may decline to honor the demand.

"(e) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the governor may decline to honor the demand so long as the person demanded is complying with the support order.

"[Sections 21.13—21.20 reserved for expansion]

**"SUBCHAPTER C. CIVIL ENFORCEMENT**

**"Sec. 21.21. Choice of Law**

"Duties of support applicable under this chapter are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought; but shall not include alimony for a former wife. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

**"Sec. 21.22. State or Political Subdivision Furnishing Support**

"Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

**"Sec. 21.23. How Duties of Support are Enforced**

"All duties of support, including arrearages, are enforceable by a suit under this chapter, irrespective of the relationship between the obligor and the obligee.

**"Sec. 21.24. Jurisdiction**

"Jurisdiction of all proceedings hereunder is vested in the district court. If the child for whom support is sought is the subject of a suit affecting the parent-child relationship, the court having continuing jurisdiction under Section 11.05 of this code has exclusive jurisdiction of a suit under this chapter.

**"Sec. 21.25. Petition for Support**

"The petition shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the petition any information which may help in locating or identifying the defendant, such as a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or Social Security number.

**"Sec. 21.26. Representation of Plaintiff**

"The prosecuting attorney, upon the request of the court or the State Department of Public Welfare, shall represent the plaintiff in any proceeding under this chapter.

**"Sec. 21.27. Minor Petitioner**

"A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

**"Sec. 21.28. Court of This State as Initiating State**

"(a) When a petition is filed under this chapter in a court of this state which does not have continuing jurisdiction of the child for whom support is sought under Section 11.05 of this code, the court shall request from the State Department of Public Welfare identification of the court which last had jurisdiction of the child. The child shall be identified by name, birthdate, and place of birth. If it is found that another court in this state has continuing jurisdiction of the child, the case shall be transferred to the court with continuing jurisdiction.

"(b) If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of the petition, its certificate, and this chapter to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

**"Sec. 21.29. Costs**

"There shall be no filing fee or other costs taxable to the obligee, but a court of this state, acting either as an initiating or responding state, may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant or either, be paid by the obligor or the county.

**"Sec. 21.30. Jurisdiction by Arrest**

"When the court of this state, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction, it may:

"(1) as an initiating state, request in its certificate that the court of the responding state obtain the body of the defend-

ant by appropriate process if that be permissible under the law of the responding state; or

- “(2) as a responding state, obtain the body of the defendant by appropriate process.

**“Sec. 21.31. State Information Agency**

“The State Department of Public Welfare of Austin, Texas, is hereby designated as the state information agency under this chapter, and it shall:

- “(1) compile a list of the courts and their addresses in this state having jurisdiction under this chapter and transmit the same to the state information agency of every other state which has adopted this chapter or a substantially similar act;
- “(2) maintain a register of such lists received from other states and transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this chapter; and
- “(3) on the request of a court of another state, transmit identification of the court in this state which last had jurisdiction of the child for whom support is sought or a statement that the child has not been the subject of a suit affecting the parent-child relationship in this state.

**“Sec. 21.32. Duty of State as Responding State**

“(a) After the court of this state, acting as a responding state, has received from the court of the initiating state the aforesaid copies, the clerk of the court shall request from the State Department of Public Welfare identification of any court in this state which has continuing jurisdiction of the child for whom support is sought under Section 11.05 of this code. The child shall be identified by name, birthdate, and place of birth. If it is found that another court in this state has continuing jurisdiction of the child, the case shall be transferred to the court with continuing jurisdiction. If it is found that no court in this state has continuing jurisdiction of the child, the clerk of the court shall docket the case and notify the district judge or the judge of the domestic relations court, or both judges, of his action.

“(b) It shall be the duty of the prosecuting attorney diligently to prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the defendant or his property and shall request the clerk of the court to set a time and place for a hearing.

**“Sec. 21.33. Duty of Prosecuting Attorney in Responding State**

“(a) The prosecuting attorney shall, on his own initiative, use all means at his disposal to trace the defendant or his property and if, due to inaccuracies of the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the court in the initiating state.

“(b) If the defendant or his property is not found in the judicial district and the prosecuting attorney discovers by any means that the defendant or his property may be found in another judicial district of this state or in another state, he shall so inform the court; and thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other judicial district or to a court in the other state or to the information agency or other proper official of

the other state with a request that it forward the documents to the proper court. Thereupon, both the court of the judicial district and any court of this state receiving the documents and the prosecuting attorney have the same powers and duties under this chapter as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court, he shall notify forthwith the court from which the documents came.

"(c) If the prosecuting attorney has no information as to the whereabouts of the obligor or his property he shall so inform the initiating court.

**"Sec. 21.34. Continuation of the Case**

"If the plaintiff is absent from the responding state and the defendant presents evidence which constitutes a defense, the court shall continue the case for further hearing and the submission of evidence by both parties.

**"Sec. 21.35. Testimony of Husband and Wife**

"Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this chapter. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and support.

**"Sec. 21.36. Rules of Evidence**

"In any hearing under this chapter, the court shall be bound by the same rules of evidence that bind the district court.

**"Sec. 21.37. Support Order**

"If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

**"Sec. 21.38. Transmittal of Orders**

"The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

**"Sec. 21.39. Enforcement Power of Court**

"In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders, and in particular:

- "(1) to require the defendant to furnish a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant;
- "(2) to require the defendant to make payments at specified intervals to the district clerk or probation department of the court; and
- "(3) to punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

**"Sec. 21.40. Receipt and Disbursement of Payments—Responding State**

"The court of this state when acting as a responding state shall have the following duties which may be carried out through the district clerk or probation department of the court:

- "(1) on the receipt of payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state; and

“(2) on request, to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

**“Sec. 21.41. Receipt and Disbursement of Payments—Initiating State**

“The court of this state when acting as an initiating state shall have the duty which may be carried out through the district clerk or probation department of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

**“Sec. 21.42. Stay of Proceedings**

“No proceeding under this chapter shall be stayed because of the existence of a pending suit for divorce, separation, annulment, dissolution, habeas corpus, or custody proceeding.

**“Sec. 21.43. Application of Payments**

“No order of support issued by a court of this state when acting as a responding state shall supersede any other order of support, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

**“Sec. 21.44. Participation in Proceeding**

“Participation in any proceedings under this chapter shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

**“Sec. 21.45. Interdistrict Application**

“(a) This chapter is applicable when both the plaintiff and the defendant are in this state but in different judicial districts.

“(b) When a petition is filed in a court which does not have continuing jurisdiction of the child for whom support is sought under Section 11.05 of this code, the court shall request from the State Department of Public Welfare identification of the court which last had jurisdiction of the child. The child shall be identified by name, birthdate, and place of birth. If it is found that another court in this state has continuing jurisdiction of the child, the case shall be transferred to the court with continuing jurisdiction, and that court shall act as the initiating court. If it is found that no other court in this state has continuing jurisdiction of the child, the court in which the petition was filed shall proceed as the initiating court.

“(c) If the initiating court finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and finds that another court in this state may obtain jurisdiction of the defendant or his property, the clerk of the court shall send three copies of the petition and a certification of the findings to the court of the judicial district in which the defendant or his property is found. The clerk of the court receiving these copies shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for the state as a responding state.

“(d) In a suit under this section, no defense may be raised other than payment and satisfaction of the support obligation or invalidity of the decree or judgment creating the obligation.

“(e) If the defendant in a suit filed under this section files a motion to modify a prior order in a court with continuing jurisdiction of the child for whom support is sought under Section 14.08 of this code, the proceeding under this section shall be abated.

“[Sections 21.46—21.60 reserved for expansion]

**“SUBCHAPTER D. REGISTRATION OF FOREIGN  
SUPPORT ORDERS**

**“Sec. 21.61. Additional Remedies**

“If the duty of support is based on a foreign support order, the obligee has the additional remedies provided by this subchapter.

**“Sec. 21.62. Registration**

“The obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes herein provided.

**“Sec. 21.63. Registry of Foreign Support Orders**

“The clerk of the court shall maintain a registry of foreign support orders in which he shall record foreign support orders.

**“Sec. 21.64. Petition for Registration**

“The petition for registration shall be verified and shall set forth the amount remaining unpaid and a list of any other states in which the support order is registered and shall have attached to it a certified copy of the support order with all modifications thereof. The foreign support order is registered upon the filing of the petition subject only to subsequent order of confirmation.

**“Sec. 21.65. Jurisdiction and Procedure**

“The procedure to obtain jurisdiction of the person or property of the obligor shall be as provided in civil cases. The obligor may assert any defense available to a defendant in an action on a foreign judgment. If the obligor defaults, the court shall enter an order confirming the registered support order and determining the amounts remaining unpaid. If the obligor appears and a hearing is held, the court shall adjudicate the issues including the amounts remaining unpaid.

**“Sec. 21.66. Effect and Enforcement of Support Order**

“The support order as confirmed shall have the same effect and may be enforced as if originally entered in the court of this state. The procedures for the enforcement thereof shall be as in civil cases, including the power to punish the defendant for contempt as in the case of other orders for payment of temporary alimony, maintenance, or support entered in this state.

**“CHAPTER 25. UNIFORM INTERSTATE COMPACT  
ON JUVENILES**

**“Section**

- 25.01. Short Title.
- 25.02. Execution of Interstate Compact.
- 25.03. Execution of Additional Article.
- 25.04. Execution of Amendment.
- 25.05. Juvenile Compact Administrator.
- 25.06. Supplementary Agreements.
- 25.07. Financial Arrangements.
- 25.08. Enforcement.
- 25.09. Additional Procedures not Precluded.

**“Sec. 25.01. Short Title**

“This chapter may be cited as the Uniform Interstate Compact on Juveniles.

**"Sec. 25.02. Execution of Interstate Compact**

"The governor shall execute a compact on behalf of the state with any other state or states legally joining in it in substantially the following form:

**'INTERSTATE COMPACT ON JUVENILES**

'The contracting states solemnly agree:

**'Article I**

**'FINDINGS AND PURPOSE**

'That juveniles who are not under proper supervision and control, or who have absconded, escaped, or run away are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory, and protective policies which guide their laws concerning delinquent, neglected, or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

**'Article II**

**'EXISTING RIGHTS AND REMEDIES**

'That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies, and procedures, and shall not be in derogation of parental rights and responsibilities.

**'Article III**

**'DEFINITIONS**

'That, for the purpose of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected, or dependent children; "state" means any state, territory, or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.



## Article IV

## RETURN OF RUNAWAYS

“(a) That the parent, guardian, person, or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person, or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner, and the basis of entitlement to the juvenile’s custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner’s entitlement to the juvenile’s custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person, or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected, or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person, or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall

deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

'Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person, or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense of juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

'(b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

'(c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person, or agency entitled to the legal custody of such minor.

#### 'Article V

#### 'RETURN OF ESCAPEES AND ABSCONDERS

'(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be

submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with this legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense of juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this article shall be responsible for the payment of the transportation costs of such return.

#### Article VI

#### VOLUNTARY RETURN PROCEDURE

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal

custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped, or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing in writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

#### 'Article VII

#### 'COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

'(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian, or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies, and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

'(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

'(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessi-

ty of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceedings to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense of juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

'(d) That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

#### 'Article VIII

##### 'RESPONSIBILITY FOR COSTS

'(a) That the provisions of Articles IV(b), V(b), and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

'(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency, or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b), or VII(d) of this compact.

#### 'Article IX

##### 'DETENTION PRACTICES

'That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail, or lockup nor be detained or transported in association with criminal, vicious, or dissolute persons.

#### 'Article X

##### 'SUPPLEMENTARY AGREEMENTS

'That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment, and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment, and rehabilitation. Such care, treatment, and rehabilitation may be provided in an institution located within any state entering

into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment, and custody of such delinquent juveniles, taking into consideration the character of facilities, services, and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment, and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person, or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

#### 'Article XI

##### 'ACCEPTANCE OF FEDERAL AND OTHER AID

'That any state party to this compact may accept any and all donations, gifts, and grants of money, equipment, and services from the federal or any local government, or any agency thereof and from any person, firm, or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same, subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

#### 'Article XII

##### 'COMPACT ADMINISTRATORS

'That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

#### 'Article XIII

##### 'EXECUTION OF COMPACT

'That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

#### 'Article XIV

##### 'RENUNCIATION

'That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X

hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months renunciation notice of the present article.

**'Article XV**

**'SEVERABILITY**

'That the provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.'

**"Sec. 25.03. Execution of Additional Article**

"The governor shall also execute on the behalf of the state with any other state or states legally joining in it, an additional article to the Interstate Compact on Juveniles in substantially the following form:

**'Article XVI**

**'ADDITIONAL ARTICLE**

'That this article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

'For the purposes of this article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.

'When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.'

**"Sec. 25.04. Execution of Amendment**

"The governor shall also execute on the behalf of the state with any other state or states legally joining in it, an amendment to the Interstate Compact on Juveniles in substantially the following form:

**'RENDITION AMENDMENT**

'(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

'(b) All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile

charged with being a delinquent by reason of a violation of any criminal law. Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.'

**"Sec. 25.05. Juvenile Compact Administrator**

"Under the compact, the governor may designate an officer as the compact administrator. The administrator, acting jointly with like officers of other party states, shall adopt regulations to carry out more effectively the terms of the compact. The compact administrator serves at the pleasure of the governor. The compact administrator shall cooperate with all departments, agencies, and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of a supplementary agreement entered into by this state.

**"Sec. 25.06. Supplementary Agreements**

"A compact administrator may make supplementary agreements with appropriate officials of other states pursuant to the compact. If a supplementary agreement requires or contemplates the use of an institution or facility of this state or requires or contemplates the provision of a service of this state, the supplementary agreement has no force or effect until approved by the head of the department or agency under whose jurisdiction the institution is operated, or whose department or agency is charged with performing the service.

**"Sec. 25.07. Financial Arrangements**

"The compact administrator may make or arrange for the payments necessary to discharge the financial obligations imposed upon this state by the compact or by a supplementary agreement made under the compact, subject to legislative appropriations.

**"Sec. 25.08. Enforcement**

"The courts, departments, agencies, and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to effectuate its purposes and intent which are within their respective jurisdictions.

**"Sec. 25.09. Additional Procedures not Precluded**

"In addition to the procedures provided in Articles IV and VI of the compact for the return of a runaway juvenile, the particular states, the juvenile, or his parents, the courts, or other legal custodian involved may agree upon and adopt any plan or procedure legally authorized under the laws of this state and the other respective party states for the return of the runaway juvenile.



**"SUBTITLE C. MISCELLANEOUS PROVISIONS****"CHAPTER 31. REMOVAL OF DISABILITIES  
OF MINORITY****"Section****31.01. Petition.****31.02. Requisites of Petition.****31.03. Venue.****31.04. Guardian Ad Litem.****31.05. Nonresident: Appearance.****31.06. Decree.****31.07. Effect of General Removal.****31.08. Registration of Decrees of Another State or Nation.****"Sec. 31.01. Petition**

"(a) A minor who is a resident of this state and is at least 18 years of age, or is at least 16 years of age, living separate and apart from his parents, managing conservator, or guardian and is self-supporting and managing his own financial affairs, may petition to have his disabilities of minority removed for limited purposes or for general purposes.

"(b) A minor who is not a resident of this state and is at least 18 years of age may petition to have his disabilities of minority removed for a limited purpose or for general purposes if he is an adult under the laws of the state of his residence, though not yet 21 years of age.

"(c) A minor may institute suit under this section in his own name and need not be represented by next friend.

**"Sec. 31.02. Requisites of Petition**

"(a) The petition for removal of disabilities of minority must state:

"(1) the name, age, and residence address of the petitioner;

"(2) the name and residence address of each living parent;

"(3) the name and residence address of the guardian of the person and the guardian of the estate, if any;

"(4) the name and residence address of the managing conservator, if any;

"(5) the reasons why removal would be in the best interest of the child; and

"(6) the purposes for which removal is sought.

"(b) If the petitioner is not a resident of this state, the following shall be attached to the petition:

"(1) a birth certificate or other adequate proof of the petitioner's age; and

"(2) a copy of the applicable law, certified by the secretary of state, or one holding a similar office, in the minor's state of residence.

"(c) The petition must be verified by each living parent of the petitioner, except that if a managing conservator or guardian of the person has been appointed, the petition must be verified by the person so appointed. If the person who is to verify the petition is unavailable or his whereabouts are unknown, the guardian ad litem shall verify the petition after his appointment.

**"Sec. 31.03. Venue**

"(a) If the petitioner is a resident of this state, the petition shall be filed in the district court of the county where the petitioner resides.

“(b) If the petitioner is not a resident of this state, the petition may be filed in any district court.

**“Sec. 31.04. Guardian Ad Litem**

“The court shall appoint a guardian ad litem to represent the interest of the petitioner at the hearing.

**“Sec. 31.05. Nonresident: Appearance**

“If the petitioner is not a resident of this state, his disabilities of minority may be removed for a limited purpose without personal appearance of the petitioner. The petitioner may appear through an attorney or a guardian ad litem.

**“Sec. 31.06. Decree**

“After a hearing, the court may remove the disabilities of minority as requested in the petition if found to be in the best interest of the petitioner. The decree shall specify the purposes for which disabilities are removed.

**“Sec. 31.07. Effect of General Removal**

“Except for specific constitutional and statutory age requirements, a minor whose disabilities are removed for general purposes has the power and capacity of an adult, including the capacity to contract.

**“Sec. 31.08. Registration of Decrees of Another State or Nation**

“(a) Any nonresident minor who has had his disabilities of minority removed in the state of his residence may file a certified copy of the decree or judgment removing his disabilities in the deed records of any county of this state.

“(b) When a certified copy of the decree or judgment of a court of another state or nation is filed as provided in Subsection (a) of this section, the minor has the power and capacity of an adult, except as limited by Section 31.07 of this code and by the terms of the decree or judgment filed.

## **“CHAPTER 32. CHANGE OF NAME**

### **“SUBCHAPTER A. CHANGE OF NAME OF MINOR**

**“Section**

**32.01. Who May File.**

**32.02. Petition.**

**32.03. Citation.**

**32.04. Decree.**

**32.05. Effect of Change of Name.**

“[Sections 32.06–32.20 reserved for expansion]

### **“SUBCHAPTER B. CHANGE OF NAME OF ADULT**

**32.21. Petition.**

**32.22. Decree.**

**32.23. Effect of Change of Name.**

**32.24. Change of Name in Divorce Suit.**

### **“SUBCHAPTER A. CHANGE OF NAME OF MINOR**

**“Sec. 32.01. Who May File**

“A parent, managing conservator, or guardian of the person of a minor may file a petition requesting a change of name of the minor.

**"Sec. 32.02. Petition**

"(a) A verified petition to change the name of a minor must be filed in a district court of the county where the minor resides and must state:

- "(1) the present name and address of the minor;
- "(2) the reason for which a change of name is requested;
- "(3) the full name to be given the minor; and
- "(4) whether or not the minor is subject to the continuing jurisdiction of a court under Subtitle A of this title.

"(b) If the minor is 12 years of age or older, his written consent to the change of name must be attached to the petition.

**"Sec. 32.03. Citation**

"(a) The following persons are entitled to citation in a suit under this subchapter:

- "(1) each parent whose parental rights have not been terminated;
- "(2) the managing conservator, if one has been appointed; and
- "(3) the guardian of the person of the child, if one has been appointed.

"(b) Citation must be given in the same manner as provided in Section 11.09(b) of this code.

**"Sec. 32.04. Decree**

"After a hearing, for good cause shown, the court may order the name of the minor changed as requested in the petition if it finds that the change is in the best interest of the minor. A copy of the decree shall be sent to the State Department of Public Welfare if the petition alleged that the minor is subject to the continuing jurisdiction of a court under Subtitle A of this title.

**"Sec. 32.05. Effect of Change of Name**

"A change of name does not release a minor from any liability incurred in his previous name or defeat any right which the child held in his previous name.

"[Sections 32.06–32.20 reserved for expansion]

**"SUBCHAPTER B. CHANGE OF NAME OF ADULT****"Sec. 32.21. Petition**

"Any adult may petition the district court in the county of his residence for a change of name. The petition must state the present name and address of the petitioner, the requested name, and the reason for which a change is desired.

**"Sec. 32.22. Decree**

"For good cause shown the court shall order a change of name as requested if it finds that the change is in the interest or to the benefit of the petitioner.

**"Sec. 32.23. Effect of Change of Name**

"A change of name does not release a person from any liability incurred in his previous name or defeat any right which the person held in his previous name.

**"Sec. 32.24. Change of Name in Divorce Suit**

"On the final disposition of a suit for divorce, annulment, or to declare a marriage void, the court, in its discretion, may enter a decree changing the name of either party specially praying for the change.

### **“CHAPTER 33. LIABILITY OF PARENTS FOR CONDUCT OF CHILD**

**“Section**

33.01. Liability.

33.02. Limits of Recovery.

33.03. Venue.

**“Sec. 33.01. Liability**

“A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

“(1) the negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or

“(2) the wilful and malicious conduct of a child who is at least 12 years of age but under 18 years of age.

**“Sec. 33.02. Limits of Recovery**

“Recovery for damage caused by wilful and malicious conduct is limited to actual damages, not to exceed \$5,000, plus court costs and reasonable attorneys’ fees.

**“Sec. 33.03. Venue**

“A suit under this chapter may be brought in the county where the conduct of the child occurred or in the county where the defendant resides.

### **“CHAPTER 34. REPORT OF CHILD ABUSE**

**“Section**

34.01. Persons Required to Report.

34.02. Contents of Report: to Whom Made.

34.03. Immunities.

34.04. Privileged Communications.

34.05. Investigation and Report of Receiving Agency.

34.06. Central Registry.

**“Sec. 34.01. Persons Required to Report**

“Any person having cause to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall report in accordance with Section 34.02 of this code.

**“Sec. 34.02. Contents of Report: to Whom Made**

“(a) Nonaccusatory reports reflecting the reporter’s belief that a child has been or will be abused or neglected, has violated the compulsory school attendance laws on three or more occasions, or has, on three or more occasions, been voluntarily absent from his home without the consent of his parent or guardian for a substantial length of time or without the intent to return shall be made to:

“(1) the county welfare unit;

“(2) the county agency responsible for the protection of juveniles;  
or

“(3) any local or state law enforcement agency.

“(b) All reports must contain the name and address of the child, the name and address of the person responsible for the care of the child, if available, and any other pertinent information.

"(c) All reports received by any local or state law enforcement agency shall be referred to the county child welfare unit, or to the county agency responsible for the protection of juveniles.

"(d) An oral report shall be made immediately on learning of the abuse or neglect as prescribed in Subsection (a) of this section, and a written report shall be made within five days to the same agency or department. Anonymous reports, while not encouraged, will be received and acted on in the same manner as acknowledged reports.

**"Sec. 34.03. Immunities**

"Any person reporting pursuant to this chapter is immune from liability, civil or criminal, that might otherwise be incurred or imposed. Immunity extends to participation in any judicial proceeding resulting from the report. Persons reporting in bad faith or malice are not protected by this section.

**"Sec. 34.04. Privileged Communications**

"In any proceeding regarding the abuse or neglect of a child or the cause of any abuse or neglect, evidence may not be excluded on the ground of privileged communication except in the case of communications between attorney and client.

**"Sec. 34.05. Investigation and Report of Receiving Agency**

"(a) The county child welfare unit, or the county agency responsible for the protection of juveniles, shall make a thorough investigation promptly after receiving either the oral or written report. The primary purpose of the investigation shall be the protection of the child.

"(b) In the investigation the unit or agency shall determine:

"(1) the nature, extent, and cause of the abuse or neglect;

"(2) the identity of the person responsible for the abuse or neglect;

"(3) the names and conditions of the other children in the home;

"(4) an evaluation of the parents of persons responsible for the care of the child;

"(5) the adequacy of the home environment;

"(6) the relationship of the child to the parents or persons responsible for the care of the child;

"(7) all other pertinent data.

"(c) The investigation shall include a visit to the child's home, a physical and psychological or psychiatric examination of all the children in that home, and an interview with the subject child. If admission to the home, school, or any place where the child may be, or permission of the parents or persons responsible for the child's care for the physical and psychological or psychiatric examinations cannot be obtained, then the juvenile court, or the district court, upon cause shown, shall order the parents or the persons responsible for the care of the children, or the person in charge of any place where the child may be, to allow entrance for the interview, above examinations, and investigation.

"(d) If, before the investigation is complete, the opinion of the investigators is that immediate removal is necessary to protect the child from further abuse or neglect, the investigators shall file a petition pursuant to Chapter 17 of this code for temporary care and protection of the child.

"(e) The county agency responsible for the protection of juveniles, or the county child welfare unit, shall make a complete written report of the investigation together with its recommendations to the juvenile court or the district court, the district attorney, and the appropriate law enforcement agency.

"(f) On the receipt of the report and recommendation required by Subsection (e) of this section, the court may direct the investigator to file a petition seeking appropriate relief under Subtitle A of this title.

**"Sec. 34.06. Central Registry**

"The State Department of Public Welfare shall establish and maintain in Austin, Texas, a central registry of reported cases of child abuse or neglect. The department may adopt rules and regulations as are necessary in carrying out the provisions of this section. The rules shall provide for cooperation with local child service agencies, including hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system.

**"CHAPTER 35. CONSENT TO MEDICAL TREATMENT**

**"Section**

**35.01. Who May Consent.**

**35.02. Consent Form.**

**35.03. Consent to Treatment by Minor.**

**"Sec. 35.01. Who May Consent**

"Any of the following persons may consent to medical treatment of a minor when the person having the power to consent as otherwise provided by law cannot be contacted and actual notice to the contrary has not been given by that person:

- "(1) a grandparent;
- "(2) an adult brother or sister;
- "(3) an adult aunt or uncle;
- "(4) an educational institution in which the minor is enrolled that has received written authorization to consent from the person having the power to consent as otherwise provided by law;
- "(5) any adult who has care and control of the minor and has written authorization to consent from the person having the power to consent as otherwise provided by law; or
- "(6) any court having jurisdiction of the child.

**"Sec. 35.02. Consent Form**

"(a) Consent to medical treatment under Section 35.01 of this code shall be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

"(b) The consent must contain:

- "(1) the name of the minor;
- "(2) the name of one or both parents, if known, and the name of the managing conservator or guardian of the person, if either has been appointed;
- "(3) the name of the person giving consent and his relation to the minor child;
- "(4) a statement of the nature of the medical treatment to be given; and
- "(5) the date on which the treatment is to begin.

**"Sec. 35.03. Consent to Treatment by Minor**

"(a) A minor may consent to the furnishing of hospital, medical, surgical, and dental care by a licensed physician or dentist if the minor:

- "(1) is on active duty with the armed services of the United States of America;
- "(2) is 16 years of age or older and resides separate and apart from his parents, managing conservator, or guardian, wheth-

er with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of such residence, and is managing his own financial affairs, regardless of the source of the income;

- "(3) consents to the diagnosis and treatment of any infectious, contagious, or communicable disease which is required by law or regulation adopted pursuant to law to be reported by the licensed physician or dentist to a local health officer;
- "(4) is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;
- "(5) is 18 years of age or older and consents to the donation of his blood and the penetration of tissue necessary to accomplish the donation; or
- "(6) consents to examination and treatment for drug addiction, drug dependency, or any other condition directly related to drug use.

"(b) Consent by a minor to hospital, medical, surgical, or dental treatment under this section is not subject to disaffirmance because of minority.

"(c) Consent of the parents, managing conservator, or guardian of a minor is not necessary in order to authorize hospital, medical, surgical, or dental care under this section.

"(d) A licensed physician or dentist may, with or without the consent of a minor who is a patient, advise the parents, managing conservator, or guardian of the minor of the treatment given to or needed by the minor.

"(e) A physician or dentist licensed to practice medicine or dentistry in this state or a hospital or medical facility shall not be liable for the examination and treatment of minors under this section except for his or its own acts of negligence.

"(f) A physician, dentist, hospital, or medical facility may rely on the written statement of the minor containing the grounds on which the minor has capacity to consent to his own medical treatment under this section."

Sec. 2. Section 3.55, Family Code, is amended<sup>80</sup> to read as follows:

**"Sec. 3.55. Managing Conservatorship and Support of Children**

"(a) The petition shall state whether or not there are children under 18 years of age born or adopted of the marriage.

"(b) If the parties are parents of a child, as defined by Section 11.01 of this code, and the child is not under the continuing jurisdiction of any other court under Section 11.05 of this code, the suit for divorce, annulment, or to declare the marriage void, must include a suit affecting the parent-child relationship under Subtitle A, Title 2, of this code.

"(c) If the parties are parents of a child, as defined by Section 11.01 of this code, and the child is under the continuing jurisdiction of another court under Section 11.05 of this code, either party to the suit for divorce, annulment, or to declare the marriage void may move that court for transfer of the suit affecting the parent-child relationship to the court having jurisdiction of the suit or divorce, annulment, or to declare the marriage void. The court with continuing jurisdiction shall then transfer the proceeding to the court with jurisdiction of the suit for divorce, annulment, or to declare the marriage void. Proceedings for transfer under this section shall be governed by the procedures governing transfer under Section 11.06 of this code. On transfer of the proceed-

<sup>80</sup>. V.T.C.A. Family Code, § 3.55.

ings to the court with jurisdiction of the suit for divorce, annulment, or to declare the marriage void, that court shall consolidate the suit affecting the parent-child relationship with the suit for divorce, annulment, or to declare the marriage void.

“(d) After transfer of a suit affecting the parent-child relationship as provided in Subsection (c) of this section, or if the parties are parents of a child and no other court has jurisdiction of the child, the court with jurisdiction of the suit for divorce, annulment, or to declare the marriage void has jurisdiction to make orders, decrees, or judgments affecting the parent-child relationship in the same manner that a court with jurisdiction of a suit affecting the parent-child relationship has under Subtitle A, Title 2, of this code, and is subject to the same rules, requirements, and standards set forth in Subtitle A, Title 2, of this code for such suits. On entering its decree or judgment affecting the parent-child relationship, the court has continuing jurisdiction under Section 11.05 of this code, and the decree or judgment shall be treated for all purposes as though it were entered in a suit affecting the parent-child relationship.”

Sec. 3.<sup>81</sup> The following laws, as amended, are repealed:

V.T.C.S. Art.	Session Law Citation				
	Legis.	Sess.	Vol.	Ch.	Sec.
46a	42nd			177	
46b	43rd	2 C.S.		39	1
46b-1	50th			428	
201-223, R.T.C.S., 1925					
695c-2 <sup>80a</sup>	59th			117	
2328b-4 <sup>80b</sup>	59th			679	
2330-2337, R.T.C.S., 1925					
2338-5, sec. 10	53rd			325	10
2338-8, sec. 20	55th			16	20
2338-11, sec. 10	56th			242	10
2338-11a, sec. 10	58th			299	10
2338-11b, sec. 10	61st			465	10
2338-13, sec. 20	56th			443	20
2338-14, sec. 10	57th			159	10
2338-15, sec. 12	57th	3 C.S.		6	12
2338-15a, sec. 12	59th			278	12
2338-15b, sec. 12	60th			781	12
2338-15c, sec. 12	61st			761	12
2338-16, sec. 13	57th	3 C.S.		64	13
2338-17, sec. 17	58th			44	17
2338-20, sec. 19	59th			537	19
4445b	61st			506	
4447h	61st			742	
4639, R.T.C.S., 1925					
4639a	44th		1	39	
4639a-1, R.T.C.S., 1925					
5143e	59th			324	
5921-5923a, R.T.C.S., 1925					
5923-1	55th			320	
5928-5931, R.T.C.S., 1925					

<sup>80a</sup>. Also amended by chapter 398, § 1.

<sup>80b</sup>. Also amended by chapter 276, § 1.  
note.

<sup>81</sup>. V.T.C.A. Family Code, prec. § 11.01  
note.



Sec. 4.<sup>81</sup> (a) This Act takes effect on January 1, 1974, and governs all proceedings, orders, judgments, and decrees in suits and actions brought after it takes effect, and also all further proceedings in actions then pending, except to the extent that in the opinion of the court its application in an action pending when this Act takes effect would not be feasible or would work injustice. All things properly done under any previously existing rule or statute prior to the taking effect of this Act shall be treated as valid.

(b) Any action or suit commenced after January 1, 1974, that has as its object the modification of an order, judgment, or decree entered prior to January 1, 1974, but which under this Act would be a suit affecting the parent-child relationship, is governed by the provisions of this Act, and shall be treated as the commencement of a suit affecting the parent-child relationship in which no court has continuing exclusive jurisdiction.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the senate on May 18, 1973, by a viva-voce vote; May 25, 1973, senate concurred in house amendments by a viva-voce vote; passed the house, with amendments, on May 24, 1973, by a non-record vote.

Approved June 15, 1973.

Effective Jan. 1, 1974.

81. V.T.C.A. Family Code, prec. § 11.01 note.